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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 DONALD EUGENE RANDONICH,

14 Petitioner,

15 v.

16 D.K. SISTO, Warden,

17 Respondent.
18

C 07-3730 RMW (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE ANSWER**

19
20 I, GREGORY A. OTT, declare under penalty of perjury as follows:

21 I am the California Deputy Attorney General assigned to represent respondent in this case.
22 Respondent's answer was due April 22, 2008, per this Court's February 22, 2007, Order To Show
23 Cause. I recognize that this request is belated, and apologize to the Court and Petitioner for any
24 inconvenience caused thereby. I inadvertently miscalendared my response herein for April 30, 2008,
25 instead of the correct date, April 22, 2008. I have not previously requested an enlargement of time
26 in this case.

27 Petitioner was convicted in Marin County of possession of methamphetamine with intent
28 to manufacture, and possession of stolen property. He was sentenced to sixteen years and four

1 months in prison. He unsuccessfully pursued state direct and collateral review before filing the
2 instant petition.

3 I request an additional sixty days to file my answer chiefly because I have been briefing
4 other matters with chronological precedence over this case. Specifically, today I filed a
5 supplemental appellee's brief addressing uncertified issues, on the order of the court in *Diggs v.*
6 *Warden*, U.S.C.A. (9th Cir.) No. 07-15755. Prior to that, and since receiving this Court's order to
7 show cause, I have filed respondent's answers or responses in *Dickson v. Warden*, U.S.D.C., E.D.
8 Cal. No. CIV S-07-1232 LKK KJM P; *Corral v. Warden*, U.S.D.C., N.D. Cal. No. C 07-5383 MJJ;
9 *Bedolla v. Warden*, U.S.D.C., N.D. Cal. No. C 08-172 SI; and *Pope v. Warden*, U.S.D.C., N.D. Cal.
10 No. C 07-0434 CRB. Before turning to this case, I must complete my answer in *Carter v. Warden*,
11 U.S.D.C., E.D. Cal. No. CIV S-07-2471 GEB EFB P, and appellee's brief in *Conwell v. Warden*,
12 U.S.C.A. (9th Cir.) No. 07-17059. Last, I will be out of the office and unavailable for one week
13 during May.

14 I have not contacted petitioner regarding this request, as he is in custody and not
15 represented by counsel.

16 Accordingly, I request that the Court grant respondent to and including June 21, 2008, in
17 which to file its answer or other response to the petition.

18 I declare under penalty of perjury of the laws of the State of California and the United
19 States of America that the foregoing is true and correct. Executed at San Francisco, California on
20 April 25, 2008.

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22
23 /s/ Gregory A. Ott
24 GREGORY A. OTT
25 Deputy Attorney General
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